

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GERALD HOWELL	:	CIVIL ACTION
	:	
v.	:	No. 05-2843
	:	
MARILYN BROOKS, et al.	:	

ORDER

AND NOW, this 20th day of April, 2023, upon consideration of Petitioner Gerald Howell's Amended Petition Under 28 U.S.C. § 2254, the Government's Response thereto, and the parties' oral arguments, and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED:

1. Howell's Petition (Document 88) is GRANTED as to Claim 2 regarding violation of his Sixth Amendment right to counsel of choice.
2. Howell's convictions and sentences in the Court of Common Pleas of Philadelphia County, Pennsylvania, Criminal Docket No. CP-51-CR-0138421-1983¹ are VACATED.
3. Execution of the writ of habeas corpus is STAYED for ninety (90) days from entry of this Order, during which time the Commonwealth of Pennsylvania may afford Howell a new trial. In the event of an appeal by either party, execution of the writ is stayed for a period of thirty (30) days after final disposition of the appeal.
4. The Clerk of Court is DIRECTED to provide a copy of this Order and the accompanying Memorandum to the Court of Common Pleas of Philadelphia County, Pennsylvania.
5. The Clerk of Court is also DIRECTED to administratively CLOSE this case.

¹ The underlying case numbers in the trial court are also cited in the record as January Term, 1983, Nos. 3842-3845.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.